

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW HAMPSHIRE

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In re: )  
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CHRISTOPHER C. DONIGIAN d/b/a )  
Emcon Builders and )  
SANDRA C. DONIGIAN )  
Debtors )  
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)  

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)  
LAWRENCE P. SUMSKI )  
)  
Chapter 13 Trustee, )  
)  
v. )  
)  
JACOB DONIGIAN and )  
DONIGIAN PROPERTIES, LLC, )  
)  
Defendants )  
)  

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Chapter 13  
Case No. 08-12455-JMD

Adv. Proc. No. 10-1098-LHK

**DEFENDANTS' F.R.C.P. RULE 26(a)(3) DISCLOSURES**

NOW COME the Defendants Jacob Donigian and Donigian Properties, LLC, by their attorney Brian D. Kenyon, Esq., and pursuant to this Court's Pretrial Scheduling Order submit their lists of witnesses and exhibits pursuant to FRCP 26(a)(3).

**A. INDIVIDUALS EXPECTED TO BE CALLED AS WITNESSES**

The following individuals are expected to be called as witnesses by Defendants:

1. Christopher C. Donigian, Debtor  
200 Chester Road  
Fremont, NH 03044
2. Jacob Donigian  
134 Chester Road  
Fremont, NH 03044  
603-895-2832
3. Sandra Donigian  
200 Chester Road  
Fremont, NH 03044
4. Edward R. (Ted) Adams, Builder  
16 Flosom Road  
Derry, NH 03038  
603-765-5601
5. John Woods, Jr., Builder  
11 Donovan Drive  
Derry, NH 03038
6. Russell Downing, Builder  
63 Pineo Road  
Center Barnstead, NH 03225  
603-234-9757
7. Kevin Hatch
8. Robert Quandt
9. Peter Stevens  
400 Amherst Street  
Manchester, NH 03104
10. Steve DeFusco  
7 Austin Street  
Methuen, MA 01844

11. Charles Wright  
65 Great Oak Drive  
Chester, NH 03036
12. Jason Wright  
65 Great Oak Drive  
Chester, NH 03036
13. Tammy Mousseau, President  
Mooswa Realty Corp.  
7A Beauty Hill Road  
Center Barnstead, NH 03225  
603-269-6400

The above-identified individuals are likely to have knowledge regarding the facts and circumstances surrounding the defendants' business dealings and practices.

**B. DOCUMENTS OR THINGS WHICH ARE INTENDED TO BE INTRODUCED BY DEFENDANTS AS EXHIBITS AT TRIAL**

Defendants have identified to date the following categories of documents, date compilations and tangible things in their possession, custody or control that are intended to be used to support their claims or defenses at trial:

- 1 Bank Statements of the Debtor and Defendants;
- 2 Copies of the following Deeds:
  - A. Wes Lock Road, Barnstead, New Hampshire: Warranty Deed from Jacob A. Donigian and Janice A. Donigian to Christopher C. Donigian, dated April 26, 2004 and recorded in Belknap County Registry of Deeds in Book 2031, Page 0027;
  - B. Wes Lock Road, Barnstead, New Hampshire: Warranty Deed from Christopher C. Donigian to Jacob A. Donigian, dated May 15, 2006 and recorded in Belknap County Registry of Deeds in Book 2510, Page 0112;
  - C. 32 Chestnut Drive, Allenstown, New Hampshire: Warranty Deed from Donigian Properties, a/k/a Donigian Properties to Christopher C. Donigian, dated October 20, 2006 and recorded in Merrimack County Registry of Deeds in Book 2937, Page 1172;

- D. 32 Chestnut Drive, Allenstown, New Hampshire: Warranty Deed from Christopher C. Donigian to Brian Pampel and Melanie Pampel, dated November 30, 2006 and recorded in Merrimack County Registry of Deeds in Book 2949, Page 1325;
  - E. 39 Chestnut Drive, Allenstown, New Hampshire: Warranty Deed from Donigian Properties, LLC a/k/a Donigian Properties, dated June 25, 2007 and recorded in Merrimack County Registry of Deeds in Book 3015, Page 381;
  - F. 39 Chestnut Drive, Allenstown, New Hampshire: Corrective Deed from Donigian Properties, LLC a/k/a Donigian Properties, dated June 25, 2007 and recorded in Merrimack County Registry of Deeds in Book 3017, Page 1228; and
  - G. 39 Chestnut Drive, Allenstown, New Hampshire: Warranty Deed from Christopher C. Donigian to Kevin M. Lussier and Nicole R. Boucher, dated September 5, 2007 and recorded in Merrimack County Registry of Deeds in Book 3016, Page 1513;
- (3) Copy of 2006 Tax Return;
  - (4) Copy of 2007 Tax Return;
  - (5) Copy of 2007 Profit and Loss for Christopher Donigian;
  - (6) Copy of 2007 Profit and Loss for Sandra Donigian;
  - (7) Copy of 2007 Self Employment Tax for Christopher Donigian;
  - (8) Copy of Mortgage Deed for Lot #16 Wes Lock Road, Barnstead, NH;
  - (9) Copy of Promissory Note for Lot #16 Wes Lock Road, Barnstead, NH;
  - (10) Copy of P&S Agreement for 16 Wes Lock Road, R. Downing Quality Homes/Crowley, October 14, 2006;
  - (11) Copy of Mortgage from Crowleys to Donigian Properties for 16 Wes Lock Road, November 29, 2006;
  - (12) Copy of Authorization For Release of Deposit, June 21, 2007;
  - (13) Settlement Agreement for 16 Wes Lock Road, June 9, 2008;
  - (14) Discharge of Crowley Mortgage for 16 Wes Lock Road, June 10, 2008;
  - (15) Copy of Warranty Deed for Hemlock Knoll in Chester, NH;
  - (16) Copy of closing costs for 32 Chestnut Drive, Allenstown, NH;

- (17) Copy of Settlement Statement for 32 Chestnut Drive, Allenstown, NH;
- (18) Copy of Warranty Deed for Lot 31 Chestnut Drive, Allenstown, NH;
- (19) Copy of Real Estate Transfer Tax Declaration for 32 Chestnut Drive, Allenstown, NH;
- (20) Copy Department of Revenue Administration Inventory of Property Transfer for Routes 111A and 107, Fremont NH, with Instruction Sheet;
- (21) Copy of Warranty Deed for Lot 12, Chestnut Drive, Allenstown, NH;
- (22) Copy of Settlement Statement for 106 Danville Road, Fremont, NH;
- (23) Settlement Statement for 58 Danville Road, Fremont, NH;
- (24) Copies of any other documents relating to transfers of the above-identified deeds to or from Defendants and/or Debtor;
- (25) Copies of any documents relating to business transactions between Debtor or Defendants and any party listed in part A, above;
- (26) Copies of payoff sheets, deeds, loan invoices, deposit receipts, construction loan format sheets, Purchase and Sale Agreements, payment sheets, discharge of mortgages, HUD statements and any other documents relating to transactions between defendants and ERA construction, including documents relating to transactions including at least Knowles Mill Lots No. 1, 3, 9, 10, 11, 12 13, 17, 18 and 27 and Sycamore Avenue Lots 17, 20, 22, 24 and 26;
- (27) Copy of Debtors' Bankruptcy Schedules and amendments thereto;
- (28) All documents provided to the Office of the US Trustee; and
- (29) Transcript from the Debtors' 341 meetings, October, 2008 and January, 2009 and from the October, 2009 Chapter 13 341 meeting. These documents are located at the office of the Debtor's counsel and/or in the possession of the Debtor.

The disclosures made herein are based on the information reasonably available to the Defendants to date. The Defendants reserve the right to supplement the disclosures set forth herein.

Respectfully Submitted,

Jacob Donigian and  
Donigian Properties, LLC,  
By their attorneys,  
Marshall Law, PLLC

/s/ Brian D. Kenyon  
Brian D. Kenyon, Esq., BNH 07131  
47 Depot Road  
East Kingston, NH 03827  
603-642-5311

CERTIFICATE OF SERVICE

I, Brian D. Kenyon, hereby certify that a copy of this paper has this 10<sup>th</sup> day of November, 2011 been sent, via electronic mail, to the following parties:

James S. Lamontagne, Esq.  
Attorney for Chapter 13 Trustee  
Sheehan, Phinney, Bass & Green  
1000 Elm Street, P.O. Box 3701  
Manchester, NH 03105-3701

Geraldine Karonis, Esq.  
Assistant U.S. Trustee  
Office of the U.S. Trustee  
1000 Elm Street, Suite 605  
Manchester, NH 03101

/s/ Brian D. Kenyon  
Brian D. Kenyon, Esq.